

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DAKOTA CALDER,

Plaintiff,

v.

CANTON POLICE DEPARTMENT, et
al.,

Defendants.

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Case No. 6:20-cv-408-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**


This case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On October 2, 2020, the Magistrate Judge issued a Report and Recommendation recommending that the action be dismissed without prejudice for failure to state a claim upon which relief may be granted. Docket No. 7. The Clerk of Court received a return receipt indicating delivery of the Report and Recommendation to Plaintiff on October 8, 2020. Docket No. 8.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file objections in the

prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the pleadings in this case and the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 7) as the findings of this Court. It is hereby **ORDERED** that this civil action is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted. All pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this **27th** day of **October, 2020**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE